

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #4	CCRB Case #: 201707857	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/15/2017 1:00 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 3/15/2019	EO SOL 3/15/2019	
Date/Time CV Reported Fri, 09/15/2017 11:18 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Fri, 09/22/2017 4:33 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Sherman Tyson	20390	959319	047 PCT
2. POF Chantel Aloy	447	955831	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sherman Tyson	Abuse: Police Officer Sherman Tyson threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POF Chantel Aloy	Abuse: Police Officer Chantel Aloy threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM Sherman Tyson	Abuse: Police Officer Sherman Tyson entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.POF Chantel Aloy	Abuse: Police Officer Chantel Aloy entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
E.POM Sherman Tyson	Abuse: Police Officer Sherman Tyson forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
F.POF Chantel Aloy	Abuse: Police Officer Chantel Aloy forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On September 15, 2017, § 87(2)(b) filed this complaint in person at the 47 Precinct stationhouse. It was received at the CCRB on September 22, 2017.

On September 15, 2017, at approximately 1 p.m., § 87(2)(b) called 911 to report that people were removing items from her former home, located at § 87(2)(b) in the Bronx. Two officers, identified by the investigation as PO Sherman Tyson and PO Chantel Aloy of the 47 Precinct, responded to the location. PO Tyson and PO Aloy threatened to arrest § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Tyson and PO Aloy entered § 87(2)(b)'s neighbor's house, located at § 87(2)(b) in the Bronx (**Allegations C and D: Abuse of Authority, § 87(2)(g)**). PO Tyson and PO Aloy forcibly removed § 87(2)(b) to § 87(2)(b) in the Bronx (**Allegations E and F: Abuse of Authority, § 87(2)(g)**).

There was no video of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Sherman Tyson threatened to arrest

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Chantel Aloy threatened to arrest

§ 87(2)(b)

It is undisputed that PO Tyson and PO Aloy threatened to arrest § 87(2)(b)

On September 15, 2017, at approximately 1 p.m., § 87(2)(b) (BR 01 and BR 02) received a phone call from her neighbor informing her that people were removing items from the home where § 87(2)(b) used to reside, located at § 87(2)(b) in the Bronx. § 87(2)(b) was involved in an ongoing dispute with her sister regarding the ownership of the home. Although § 87(2)(b) had once lived in the home, it belonged to her father, who lives in Atlanta. Without first informing § 87(2)(b) her sister had sold the home while § 87(2)(b) had still been living there, and the new owners were in the process of clearing out and renovating the property. After speaking to her neighbor, § 87(2)(b) called the police because she wanted police documentation of the incident to use in the ongoing court case with her sister.

When § 87(2)(b) arrived at her home approximately 20 minutes later, and PO Tyson and PO Aloy were standing near the front door to the home. The front gate of the fence that surrounds the home was open, so § 87(2)(b) passed through the gate and approached PO Tyson and PO Aloy.

PO Tyson explained to § 87(2)(b) that the property owner, who was standing inside the front doorway, had shown him paperwork indicating that he had legal ownership of the home. § 87(2)(b) tried to explain that there was an ongoing dispute with her sister regarding the sale of the home, and told PO Tyson that she wanted him to file a report about the incident. PO Tyson told § 87(2)(b) that there was nothing about which he could make a complaint because nothing criminal had occurred. § 87(2)(b) continued to ask PO Tyson for some kind of documentation of the incident that she could use in court, but PO Tyson refused to provide her with anything.

§ 87(2)(b) who was upset and speaking in a slightly raised tone of voice, asked the property owner why he was throwing her belongings away and why he would not allow her more time to remove her items from the property (in her CCRB interview, § 87(2)(b) acknowledged that she did need to remove the items, and intended to do so, but simply needed more time). PO Tyson reiterated to § 87(2)(b) that he had reviewed documents from the property owner and that § 87(2)(b) was trespassing on the property. PO Tyson told § 87(2)(b) that she could be arrested for trespassing. PO Tyson asked § 87(2)(b) one time to leave the property. § 87(2)(b) immediately left the property and stood on the sidewalk outside of the front gate because it was public property and she did not want to be arrested for trespassing.

PO Tyson (BR 03) said that he and PO Aloy received a radio call for a possible crime in progress at § 87(2)(b) in the Bronx. The only additional information that he obtained at that time was that the complainant was female. When PO Tyson and PO Aloy arrived at the location, they walked towards the front door of the home. As they were approaching the door, § 87(2)(b) arrived at the location in a car. § 87(2)(b) who was walking with a cane, exited the car and walked through the front gate and towards PO Tyson and PO Aloy. § 87(2)(b) spoke in a normal tone of voice and explained to PO Tyson and PO Aloy that she lived at the location and that the people who were throwing out her belongings needed to leave. § 87(2)(b) added that her sister was somehow at fault for the situation.

After speaking with § 87(2)(b) PO Tyson and PO Aloy rang the doorbell, and two men who identified themselves as the property owner and one of his workers answered. The owner of the home showed PO Tyson and PO Aloy court documents indicating that whoever was on the property after a certain date – PO Tyson could not recall the exact date but noted that it was in April of 2017 – would be subject to arrest for trespassing. The property owner also showed PO Tyson and PO Aloy documents proving that he was the legal owner of the home, though PO Tyson could not specifically recall what these documents were. As this was happening, § 87(2)(b) began yelling at the property owner and accusing of him of not telling the truth about the situation.

PO Tyson told § 87(2)(b) that she would need to address the issue in court. PO Tyson then told § 87(2)(b) that she needed to leave the area because she was trespassing and that this was something for which she could be arrested. PO Tyson asked § 87(2)(b) to leave the property more than five times, and PO Aloy asked her to leave the property three to five times.

PO Aloy's (BR 04) statement was generally consistent with that of PO Tyson with the following exceptions. When § 87(2)(b) explained the situation to PO Aloy and PO Tyson, she was speaking quickly and loudly. PO Aloy and PO Tyson spoke with the property owner, who showed them an eviction notice and a notarized bank document stating that the property owner had the legal authority to clean out and renovate the property. § 87(2)(b) then began yelling that the property owner was involved in a conspiracy with her sister and the bank. The property owner explained to PO Aloy and PO Tyson that § 87(2)(b) had been at the property before and had interfered with his workers' ability to clear out the home by yelling at them. At no point did § 87(2)(b) physically prevent them from completing their work.

PO Aloy and PO Tyson each asked § 87(2)(b) to leave the property three to five times and explained to her that by being on the property, she was trespassing, which is an arrestable offense. § 87(2)(b) refused to leave. PO Aloy and PO Tyson explained to § 87(2)(b) again that she could be arrested if she did not leave and that she would need to address any ongoing issues in Civil Court. After telling § 87(2)(b) three to four times that she could be arrested for trespassing, PO Aloy told § 87(2)(b) that if she did not leave, she would arrest § 87(2)(b) at which point § 87(2)(b) left the property.

New York Penal Law, Section 140.10 (BR 05) states that a person is guilty of criminal trespass in the third degree when he or she knowingly enters or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Sherman Tyson entered § 87(2)(b) in the Bronx.

Allegation (D) Abuse of Authority: Police Officer Chantel Aloy entered § 87(2)(b) in the Bronx.

Allegation (E) Abuse of Authority: Police Officer Sherman Tyson forcibly removed § 87(2)(b) to the hospital.

Allegation (F) Abuse of Authority: Police Officer Chantel Aloy forcibly removed § 87(2)(b) to the hospital.

PO Tyson's and PO Aloy's entry into § 87(2)(b) is disputed. It is undisputed that PO Tyson and PO Aloy forcibly removed § 87(2)(b) to the hospital.

While § 87(2)(b) (BR 01 and BR 02) was standing on the sidewalk, she saw that her neighbor, identified only as § 87(2)(b) who lives at § 87(2)(b) coming out of her house. § 87(2)(b) started walking towards § 87(2)(b) when she saw her cousin, § 87(2)(b) on the opposite side of the street. § 87(2)(b) changed direction and walked into the street to meet § 87(2)(b). When § 87(2)(b) was about halfway across the street, she saw that § 87(2)(b) was talking to someone she did not know, so she turned around again and started to walk back to § 87(2)(b) who was standing inside of her property behind a gated fence.

§ 87(2)(b) needed something from her bag – she could not recall what – and stopped by a car that was parked on the street outside of § 87(2)(b)'s house. § 87(2)(b) who was adjacent to the sidewalk, rested her bag on the car, retrieved the item she needed, and then walked onto § 87(2)(b)'s

property. The street is generally quiet, with just a few cars parked along the sides. There were no moving cars in the street when § 87(2)(b) was there. Aside from briefly stopping by the car to get something out of her bag, § 87(2)(b) was in motion while in the street and was not stationary or in the way of any oncoming traffic.

§ 87(2)(b) and § 87(2)(b) stood on § 87(2)(b)'s property and looked over the fence so that they could observe what PO Tyson and PO Aloy were doing. § 87(2)(b) told PO Tyson, in a slightly raised voice, that she was no longer trespassing. § 87(2)(b) then spoke to the property owner and demanded that he admit that her sister was involved in the sale of the house. She also asked him why he was treating her in this manner. PO Tyson told § 87(2)(b) that it seemed like she needed to be “checked out,” and that if she did not stop talking, he would call an ambulance. § 87(2)(b) replied that she did not need to be checked out and that she did not need or want an ambulance.

After approximately five minutes, § 87(2)(b) and § 87(2)(b) decided to go into § 87(2)(b)'s house because § 87(2)(b) did not want to risk being taken to the hospital. They went into § 87(2)(b)'s house together and locked the door behind them. After approximately two minutes, § 87(2)(b) saw PO Tyson open § 87(2)(b)'s front gate and remove handcuffs from his belt. He then knocked on § 87(2)(b)'s front door. § 87(2)(b) answered the door, and PO Tyson told her that unless § 87(2)(b) lived at that address, she would need to come out, and that if § 87(2)(b) did not come out, he would go inside to get her. § 87(2)(b) did not want to involve § 87(2)(b) in the incident any further so she voluntarily stepped outside of the house.

As soon as § 87(2)(b) passed through the front door, PO Tyson put a handcuff on her left wrist. PO Tyson did not enter § 87(2)(b)'s home. § 87(2)(b) saw that an ambulance was parked in front of § 87(2)(b)'s house. PO Tyson led § 87(2)(b) to the waiting ambulance by holding on to the other side of the handcuff. § 87(2)(b) asked PO Tyson why he was taking her to the hospital when she did not want to go. PO Tyson replied that he was taking her to the hospital because she had put herself in danger by wandering in the street earlier.

§ 87(2)(b) sat in the back of the ambulance with PO Tyson and an EMT, and was taken to § 87(2)(b) for evaluation. § 87(2)(b) refused to provide her pedigree information to the EMT because she did not want to go to the hospital. § 87(2)(b) was evaluated and released with no medications or prescriptions and a clean bill of health.

EMT § 87(2)(b) (BR 06) and his partner, EMT § 87(2)(b) received a radio call requesting backup for an EDP at § 87(2)(b). EMT § 87(2)(b) who was the ambulance driver that day, did not know if a civilian or the NYPD had made the request, nor could he recall any other information that was relayed about the incident at that time. When EMT § 87(2)(b) and EMT § 87(2)(b) arrived at the location, EMT § 87(2)(b) saw § 87(2)(b) on her property yelling at two construction workers who were removing items from the home. PO Tyson and PO Aloy were standing on the lawn approximately ten feet away from § 87(2)(b) telling her that she needed to leave the area.

EMT § 87(2)(b) and EMT § 87(2)(b) approached PO Tyson and PO Aloy, who told EMT § 87(2)(b) and EMT § 87(2)(b) that there was no EDP at the location, that EMS was likely not needed, and that they were going to cancel the call that they had placed for an EDP. PO Tyson and PO

Aloy explained that they needed § 87(2)(b) to leave the area because she was harassing the workers and that she was refusing to go. At this time, based on his own observations, EMT § 87(2)(b) did not think that § 87(2)(b) was doing anything that would have characterized her as mentally unstable, nor was she doing anything that would put herself or others in physical danger.

EMT § 87(2)(b) stayed by the ambulance while EMT § 87(2)(b) approached § 87(2)(b). EMT § 87(2)(b) could not hear their conversation. After they spoke, EMT § 87(2)(b) told EMT § 87(2)(b) that § 87(2)(b) did not understand why she needed to leave the location. This made EMT § 87(2)(b) think that § 87(2)(b) might not be “all there.” EMT § 87(2)(b) could not recall if EMT § 87(2)(b) determined that § 87(2)(b) was an EDP based on his observations and their conversation.

For approximately 10 to 15 minutes, PO Tyson and PO Aloy continued to tell § 87(2)(b) that she needed to leave the location a minimum of 15 times. § 87(2)(b) continued to refuse to leave the location, so PO Tyson, PO Aloy, or both – EMT § 87(2)(b) was not sure– decided that § 87(2)(b) needed to go to the hospital so that she could be evaluated.

Either PO Tyson or PO Aloy told § 87(2)(b) that they were going to take her to the hospital. When she heard this, § 87(2)(b) ran off of her property and into the home located at § 87(2)(b). In so doing, § 87(2)(b) passed her neighbor, who had been standing in her front lawn watching what was happening. PO Tyson and PO Aloy followed § 87(2)(b) up to the front door of the neighbor’s home and told the neighbor that she needed to let them in so they could get § 87(2)(b) and take her to the hospital. PO Tyson and PO Aloy were standing outside of the house at this time, and EMT § 87(2)(b) was standing approximately ten feet behind them closer to the street. § 87(2)(b) exited the home, and PO Tyson put her into handcuffs. EMT § 87(2)(b) did not see PO Tyson or PO Aloy enter the neighbor’s home.

EMT § 87(2)(b) could not recall if § 87(2)(b) walked willingly to the ambulance or if PO Tyson and PO Aloy led her there. § 87(2)(b) got into the back of the ambulance with PO Tyson and EMT § 87(2)(b). EMT § 87(2)(b) was in the front driver’s seat, so he could not hear what happened in the back of the ambulance. EMT § 87(2)(b) gave EMT § 87(2)(b) the all clear for them to go, and EMT § 87(2)(b) drove to § 87(2)(b). PO Aloy followed in a police car.

Aside from not understanding that she needed to leave the property, there was nothing about § 87(2)(b)’s behavior that made EMT § 87(2)(b) think that § 87(2)(b) was an EDP. At no point was it related to him that § 87(2)(b) had been walking in the street, and he did not see her do this while he was at the location. Neither PO Tyson nor PO Aloy told EMT § 87(2)(b) that they thought that § 87(2)(b) was a danger to herself or others.

§ 87(2)(b)’s neighbor refused to provide any contact information or a statement. § 87(2)(b) refused to provide any contact information for § 87(2)(b) besides his last name. § 87(2)(g)
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According to the Prehospital Care Report (BR 08), which was completed by EMT § 87(2)(b), EMT § 87(2)(b) and EMT § 87(2)(b) received an emergency call at approximately 1:28 p.m.

They arrived at the location at 1:39 p.m. and departed for the hospital at 1:52 p.m. § 87(2)(b)'s physical evaluation was normal. The report lists § 87(2)(b)'s name as, § 87(2)(b) and her age as 80. § 87(2)(b) refused to provide contact information to the EMTs and also refused to allow her vitals to be taken.

The narrative section notes that, upon arrival, § 87(2)(b) was arguing with police and was acting "irate." § 87(2)(b) would not get out of the street when asked and was trespassing. § 87(2)(b) said that the home belonged to her, but was evicted in April. § 87(2)(b) was screaming anti-Semitic remarks at the homeowner. It is unclear how this information was obtained; as was previously discussed, EMT § 87(2)(b) who completed the form, could not be reached for a statement. It is further noted that § 87(2)(b) although able to sign the report, refused to do so. PO Tyson is listed as the witness for § 87(2)(b)'s refusal to provide a signature on the report.

According to § 87(2)(b)'s medical records (BR 09), § 87(2)(b) arrived at § 87(2)(b) emergency room at approximately 2:24 p.m. and was admitted at 3:37 p.m. § 87(2)(b)'s primary complaint relayed by the police to hospital staff was an altered mental state. It was noted that § 87(2)(b) had last been at § 87(2)(b) for a visit with her primary care physician on § 87(2)(b).

§ 87(2)(b) saw § 87(2)(b) and told him that she had called police because people at her home were discarding her possessions. The police, after speaking with the new owner of the home, told § 87(2)(b) that she was trespassing. § 87(2)(b) went to a neighbor's home, and the police followed her. The police told § 87(2)(b) that she was acting erratically, handcuffed her, and took her to an ambulance to transport her to the hospital.

Dr. Shah noted that § 87(2)(b) had no psychological history, was not experiencing hallucinations, and was not thinking of harming herself or others. § 87(2)(b) did not appear nervous or anxious and was physically normal. Although it is also noted that § 87(2)(b) refused to leave her home or provide identifying information to EMTs, Dr. Shah determined that § 87(2)(b) did not need a psychological evaluation. She was discharged in good condition at 4:01 p.m. that same day.

After PO Tyson (BR 03) and PO Aloy repeatedly told § 87(2)(b) that she had to leave the location, § 87(2)(b) left the property and walked into the street. § 87(2)(b) was still screaming at the property and making conspiracy claims. PO Tyson approached § 87(2)(b) and told her that she was acting irrationally and that she was harassing the property owner and his workers. PO Tyson told § 87(2)(b) that she still needed to leave the area. § 87(2)(b) refused and continued yelling at the property owner from the middle of the street. PO Tyson stated that the street was one-way and moderately busy. He saw two to three cars drive by § 87(2)(b) while she was standing in the street. PO Tyson thought that § 87(2)(b) posed a danger to herself because she was standing in the street, but did not think that she was a danger to anyone else.

After approximately one to two minutes, PO Tyson told § 87(2)(b) that he going to call an ambulance for her because she was acting irrationally. PO Tyson believed that § 87(2)(b) was acting irrationally because she was still yelling at the property owner, refused to leave the area, and would not get out of the street. After PO Tyson told § 87(2)(b) that he was going to call an

ambulance, § 87(2)(b) walked to the sidewalk. § 87(2)(b) continued to scream at the property owner and told PO Tyson and PO Aloy that the police were murderers and referenced a shooting that had happened within the precinct earlier that week. PO Tyson told § 87(2)(b) at least three times that he was going to call an ambulance.

PO Tyson spoke with PO Aloy and they both agreed that § 87(2)(b) was an EDP and that they should call for an ambulance because she was not making sense and was a danger to herself because she had been in the street, although she was not in the street at that time. PO Tyson called for an ambulance while he was standing on the sidewalk in front of § 87(2)(b). PO Tyson did not consult with a supervisor prior to placing the call for an ambulance.

When § 87(2)(b) heard PO Tyson call for the ambulance, she left the sidewalk and walked into her neighbor's house, located at § 87(2)(b). During the time it took for the ambulance to arrive, § 87(2)(b) walked back and forth between the sidewalk and her neighbor's house two times. When the ambulance arrived – PO Tyson could not estimate how long this took – § 87(2)(b) was standing on the sidewalk in front of § 87(2)(b). As the EMTs approached § 87(2)(b) she left the sidewalk and went back inside of her neighbor's home, leaving the door open behind her.

PO Tyson, PO Aloy, and one of the EMTs followed § 87(2)(b) and stopped in front of the door. § 87(2)(b)'s neighbor was standing in the doorway, and PO Tyson told her that § 87(2)(b) needed to go to the hospital. The neighbor did not reply to PO Tyson, so PO Tyson, PO Aloy, and the EMT all entered into the front lobby area of the neighbor's home. The neighbor did not protest the officers' presence in her home. PO Tyson told § 87(2)(b) again that she needed to go to the hospital and that, if she did not comply, she would be handcuffed because it was police policy to handcuff people who refuse to be comply with going to the hospital. (PO Tyson explained that with cases involving EDPs, it is at the officer's discretion whether or not the EDP is fit to go to the hospital with or without restraints.) § 87(2)(b) told PO Tyson, "Arrest me." PO Tyson explained that he did not want to arrest § 87(2)(b) because she was old and appeared to be frail.

PO Tyson stated that the only reason he went into the home was because he needed to remove § 87(2)(b) so that she could go to the hospital because she was acting irrationally. PO Tyson thought § 87(2)(b) needed to go to the hospital was because she went from acting calm and normal to screaming in a short period of time. He also added that she was not being rational because she was talking about conspiracies, and accused the police of being murderers. PO Tyson did not suspect that § 87(2)(b) had weapons on her person and did not think she posed a threat to others. PO Tyson did suspect that she was a danger to herself because she had walked into the street without paying attention. However, PO Tyson stated that it was ultimately the EMTs' decision to take § 87(2)(b) to the hospital.

PO Tyson told § 87(2)(b) again that she needed to go to the ambulance. § 87(2)(b) walked a few feet to the door and then stopped and told PO Tyson that she would not go. PO Tyson then took hold of one of § 87(2)(b)'s hands and put a handcuff on her wrist. § 87(2)(b) became compliant by agreeing to walk to the ambulance. PO Tyson walked with § 87(2)(b) to the ambulance, and she willingly got into the back with PO Tyson and one of the EMTs. PO Tyson

removed the handcuff once § 87(2)(b) was seated in the ambulance because she was being complaint. PO Tyson rode to the hospital in the ambulance with § 87(2)(b). PO Aloy followed in the police car.

When they arrived at the hospital, doctors told PO Tyson that § 87(2)(b) had been there the week prior because she was exhibiting similar behavior (as noted above, § 87(2)(b)'s medical records note she was previously at the location on § 87(2)(b), for a visit with her primary care physician, and no record of psychiatric history was noted). At the hospital, PO Tyson called his supervisor, Sgt. Xiomara Gibson, to inform her that § 87(2)(b) wanted to file a complaint against him. After 10 to 15 minutes, PO Tyson and PO Aloy left the hospital. § 87(2)(b) had not been discharged when they left and he was not aware if she was diagnosed with anything.

§ 87(2)(g)
PO Aloy stated that the street in front of § 87(2)(b)'s home was moderately busy with cars parked on both sides. PO Aloy saw cars try to get around § 87(2)(b) while she was standing in the street, but she could not recall how many. PO Aloy and PO Tyson each told § 87(2)(b) three to five times to get out of the street but she would not comply. PO Aloy could not recall if she or PO Tyson called for the ambulance. PO Aloy did not think that § 87(2)(b) was a danger to others. § 87(2)(b) was a danger to herself because she refused to get out of the street when asked to do so.

The ambulance arrived approximately seven to ten minutes after the call was placed. The EMTs spoke with § 87(2)(b) and § 87(2)(b) continued to yell at the EMTs in the same manner in which she had been yelling at PO Tyson, PO Aloy, the homeowner, and the workers. After speaking to § 87(2)(b) the EMTs told PO Aloy and PO Tyson that she needed to go to the hospital. As the EMTs were talking to PO Aloy and PO Tyson, § 87(2)(b) went into her neighbor's house.

PO Aloy and PO Tyson followed § 87(2)(b). When § 87(2)(b) reached the front door, § 87(2)(b) tried to shut the door behind her, but PO Aloy and PO Tyson were so close to the door that PO Aloy was able to grab the door before it closed, keeping it ajar. § 87(2)(b) stood in the front entry area with her neighbor. PO Aloy and PO Tyson entered into the home. She could not remember if the EMTs came with her and PO Tyson or if she or PO Tyson asked the neighbor for permission before entering. The neighbor did not tell PO Aloy or PO Tyson that she should leave and told § 87(2)(b) that she should go with PO Aloy and PO Tyson. PO Aloy and PO Tyson each told § 87(2)(b) that she needed to go with them to the hospital at least five times. PO Aloy did not think that § 87(2)(b) posed a danger to her neighbor.

An AIDED report (BR 14) created by PO Tyson notes that § 87(2)(b) did not attempt to put herself or others in danger, did not threaten herself or others, and did not place herself in a dangerous situation. PO Tyson noted that § 87(2)(b) was an EDP because she was acting irrationally and yelling and screaming in the middle of the street. In the narrative section, PO Tyson reiterates that § 87(2)(b) was acting erratically, refused to listen to police instructions, was harassing workers, and would not answer questions posed by the police or EMS.

Patrol Guide Procedure 221-13 (BR 10) defines an emotionally disturbed person (EDP) as someone who appears mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. In cases where the EDP is unarmed, not violent, and is willing to leave voluntarily, the EDP may be taken into custody without the specific direction of a supervisor. In all other cases, if the EDP's actions do not constitute an immediate threat of serious physical injury or death to himself or others, the EDP should be isolated and contained until the arrival of a patrol supervisor or the Emergency Service Unit. The EDP should not be taken into custody without the specific direction of a supervisor.

§ 87(2)(g)

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§ 87(2)(g)

[REDACTED]

It is undisputed that § 87(2)(b) never went back into the street after she moved onto the sidewalk. PO Tyson testified that he called EMS only after § 87(2)(b) was back on the sidewalk because she continued to refuse to comply with commands to leave the area. PO Tyson and PO Aloy also stated that they did not think that § 87(2)(b) was a danger to others and only posed a possible threat to herself when she had been in the street § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 11).
- PO Tyson has been a member-of-service for two years and this is the first CCRB complaint to which PO Tyson has been a subject.
- PO Aloy has been a member-of-service for four and this is the first CCRB complaint to which PO Aloy has been a subject.

Mediation, Civil and Criminal Histories

- On October 20, 2017, this case was sent to mediation and on October 31, 2017, the case was returned to investigation as the complaint was no longer eligible for mediation.
- As of December 11, 2017, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR 12).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 13).

Squad No.: 4

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date